

**REMARKS**

**Claim Amendments**

Claims 24-46 are pending and under current examination. Applicants have amended claims 24, 25, 27, 30, 33, 38, 39, 44, 45, 46 to improve form and to overcome the 35 U.S.C. § 101 rejection. No new matter has been introduced.

**Office Action**

In the Office Action, the Examiner took the following actions:

- (a) rejected claims 24 and 46 under 35 U.S.C. § 101;
- (b) rejected claims 24, 25, 29, 35-39, 41-44, and 46 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 7,474,769 (“McAfee”);
- (c) allowed claim 45; and
- (d) objected to claims 26-28, 30-34, and 40 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Preliminary Matters**

**Claim Status**

The Office Action Summary form PTOL-326 mistakenly states that claims 1-46 are pending in the application. Applicants cancelled claims 1-23, without prejudice or disclaimer of their subject matter, in the Preliminary Amendment filed June 23, 2006. Applicants therefore respectfully request correction of the number of pending claims in next Office communication.

**Foreign Priority Claim**

The Office Action does not acknowledge Applicants’ foreign priority claim to PCT/IB03/06186, filed December 24, 2003, and PCT/EP04/004923, filed May 7, 2004. See Office Action Summary form PTOL-326. The Office, however, previously acknowledged Applicants’ foreign priority claim, as indicated on the § 371 Acceptance Letter, mailed with the

corrected Filing Receipt on September 23, 2010. Certified copies of the foreign priority documents were obtained by the Office on June 23, 2006 from the International Bureau, and are of record in the present application. The present application is therefore entitled to the benefit of its foreign priority dates of December 24, 2003 and May 7, 2004. Applicants therefore respectfully request the Examiner's acknowledgment of receipt of all of the priority documents in next Office communication.

**Rejection of Claims 24 and 46 under 35 U.S.C. § 101**

The Office Action rejected claim 24 under 35 U.S.C. § 101, alleging that claim 24 "does not recite a machine or qualifying transformation." Office Action, p. 2. Without conceding to the allegations of the Office Action, and for the sole purpose of advancing prosecution, Applicants have amended claim 24 as indicated herein.

The Office Action also rejected claim 46 under 35 U.S.C. § 101, alleging that claim 46 "defines a program" rather than "a 'computer-readable medium'." *Id.* Without conceding to the allegations, Applicants have amended claim 46 to recite "[a] non-transitory computer readable storage medium encoded with a computer program . . . ."

Applicants therefore respectfully request withdrawal of the rejection.

**Rejection of Claims 24, 25, 29, 35-39, 41-44, and 46 under 35 U.S.C. § 102(b)**

As discussed in the Preliminary Matters section of this paper, Applicants are entitled to the benefit of their foreign priority documents, which are of record in the present application. Accordingly, the present application is entitled to the foreign priority dates of December 24, 2003 and May 7, 2004.

McAfee does not qualify as prior art against the present application, because McAfee's filing date of September 14, 2004 is later than both of Applicants' foreign priority dates of

December 24, 2003 and May 7, 2004. The § 102(b) rejection is improper, and Applicants therefore respectfully request its withdrawal.

**Allowable Subject Matter**

Applicants acknowledge with appreciation the Examiner's indication that claim 45 is allowed, and claims 26-28, 30-34, and 40 contain allowable subject matter. Applicants respectfully decline to rewrite claims 26-28, 30-34, and 40 into independent form. For the reasons discussed above, independent claims 24 and 38 are allowable, as are dependent claims 26-37 and 39-46.

**Conclusion**

Applicants request reconsideration and withdrawal of the rejections and objection. Pending claims 24-46 are in condition for allowance, and Applicants request a favorable action.

The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization.

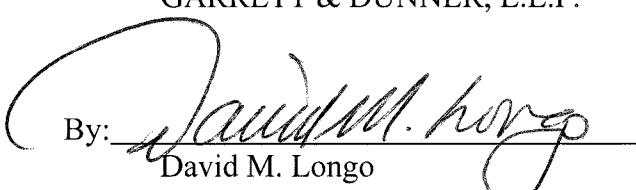
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 28, 2011

By:

  
David M. Longo  
Reg. No. 53,235

/direct telephone: (571) 203-2763/